

## STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0124745; AI 38092; PER20090001** to discharge to waters of the State of Louisiana as per LAC 33:IX.2311.

The **permitting authority** for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality  
Office of Environmental Services  
P. O. Box 4313  
Baton Rouge, Louisiana 70821-4313

- I. THE APPLICANT IS:** Town of Montgomery  
Facultative Lagoon  
P.O. Box 99  
Montgomery, LA 71454
- II. PREPARED BY:** Rachel Davis
- DATE PREPARED:** November 10, 2009
- III. PERMIT ACTION:** revoke and reissue LPDES permit LA0124745, AI 38092; PER20090001

LPDES application received: August 13, 2009

EPA has not retained enforcement authority.

LPDES LAG570224 permit issued: April 14, 2004

LPDES LAG570224 permit expired: March 14, 2009\*

\*The previous permit is a Class IV general permit, the facility design capacity has reached over the 100,000 GPD limitation of the Class IV permit. Therefore, the previous Class IV permit, LAG570224, will be terminated upon the issuance of this permit.

**IV. FACILITY INFORMATION:**

- A. The application is for the discharge of treated sanitary wastewater from a publicly owned treatment works serving the Town of Montgomery.
- B. The permit application does not indicate the receipt of industrial wastewater.
- C. The facility is located on Fred Rogers Rd., LA Hwy 34 in Montgomery, Grant Parish.
- D. The treatment facility consists of an 180,000 GPD one celled oxidation lagoon and microbial rock filter with disinfection by chlorination.
- E. Outfall 001

Discharge Location: Latitude 31° 40' 43" North  
Longitude 92° 52' 48" West

Description: treated sanitary wastewater

Design Capacity: 0.180 MGD

Type of Flow Measurement which the facility is currently using:  
Bucket and Stop Watch

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**V. RECEIVING WATERS:**

The discharge is into an unnamed creek, thence into Nantaches Creek, thence into Nantaches Lake in segment 100901 of the Red River Basin. This segment is not listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 100901 of the Red River Basin are as indicated in the table below<sup>1/</sup>:

Degree of Support of Each Use						
Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Not supporting	Full	Not Supporting	N/A	N/A	N/A	Full

<sup>1/</sup>The designated uses and degree of support for Segment 100901 of the Red River Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2006 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

**VI. ENDANGERED SPECIES:**

The receiving waterbody, Subsegment 100901 of the Red River Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 24, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

**VII. HISTORIC SITES:**

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

**VIII. PUBLIC NOTICE:**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

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## Office of Environmental Services Public Notice Mailing List

For additional information, contact:

Ms. Rachel Davis  
 Water Permits Division  
 Department of Environmental Quality  
 Office of Environmental Services  
 P. O. Box 4313  
 Baton Rouge, Louisiana 70821-4313

**IX. PROPOSED PERMIT LIMITS:**

Subsegment 100901, Bayou Nantaches-Headwaters to Nantaches Lake, is not listed on LDEQ's Final 2006 303(d) List as impaired. However, subsegment 100901 was previously listed as impaired for fecal coliform, for which the below TMDL has been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 100901:

Final EPA TMDL for Fecal, Chlorides, Sulfates, TDS and Turbidity:

According to the TMDL, "Point source contributions from municipal wastewater systems are not expected to account for a large portion of the current fecal coliform bacteria loading." Therefore the current fecal limitations will stay the same as the previous permit.

**Interim Effluent Limits:****OUTFALL 001**

Interim limits shall become effective on the effective date of the permit and expire one year from the effective date of the permit in order for the facility to upgrade to a continuous recorder.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
BOD <sub>5</sub>	15	10 mg/l	15 mg/l	Limits are set in accordance with the Statewide Sanitary Effluent Limitations Policy (SSELP) for facilities of this treatment type and size.
TSS	22.5	15 mg/l	23 mg/l	Since there is no numeric water quality criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations shall be based on a case-by-case evaluation of the

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Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
				treatment technology being utilized at a facility. Therefore, a Technology Based Limit has been established through Best Professional Judgement for the type of treatment technology utilized at this facility.

**Final Effluent Limits:**

Final limits shall become effective one year from the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
BOD <sub>5</sub>	15	10 mg/l	15 mg/l	Limits are set in accordance with the Statewide Sanitary Effluent Limitations Policy (SSELP) for facilities of this treatment type and size.
TSS	22.5	15 mg/l	23 mg/l	Since there is no numeric water quality criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations shall be based on a case-by-case evaluation of the treatment technology being utilized at a facility. Therefore, a Technology Based Limit has been established through Best Professional Judgement for the type of treatment technology utilized at this facility.

\*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD<sub>5</sub> and TSS in terms of concentration.

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**Other Effluent Limitations:****1) Fecal Coliform**

The discharge from this facility is into a water body which has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5., the fecal coliform standards for this water body are 200/100 ml and 400/100 ml. Therefore, the limits of 200/100 ml (Monthly Average) and 400/100 ml (Weekly Average) are proposed as Fecal Coliform limits in the permit. These limits are being proposed through Best Professional Judgement in order to ensure that the water body standards are not exceeded, and due to the fact that existing facilities have demonstrated an ability to comply with these limitations using present available technology.

**2) pH**

According to LAC 33:IX.3705.A.1., POTW's must treat to at least secondary levels. Therefore, in accordance with LAC 33:IX.5905.C., the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time.

**3) Solids and Foam**

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

**X. PREVIOUS PERMITS:**

**LPDES Permit No. LAG570224:** Issued: April 14, 2004  
Expired: March 14, 2009

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	Report	Report	1/month	Measure
BOD <sub>5</sub>	10 mg/l	15 mg/l	1/month	Grab
TSS	15 mg/l	23 mg/l	1/month	Grab
Fecal Coliform Colonies	200	400	1/month	Grab

**XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:****A) Inspections**

A review of the files indicates the following inspections were performed during the period beginning **June 2007** and ending **June 2009** for this facility.

Date: November 1, 2007

Findings and/or Violations:

1. Facility has a lagoon with a rock-reed filter treatment system
2. Facility is using a five gallon bucket and stop watch to measure flow
3. DMR review revealed no excursions since last LDEQ inspection
4. Facility does not have a storm water permit

**B) Compliance and/or Administrative Orders**

A review of the files indicates that no compliance orders have been issued against the facility in the past two years.

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## C) DMR Review

A review of the discharge monitoring reports for the period beginning **June 2007** through **June 2009** has revealed the following violations:

Period of Excursion	Parameter	Outfall	Permit Limit	Reported Quantity
August 2008	TSS	001	15 mg/l	29 mg/l*
	TSS		23 mg/l	29 mg/l*
April 2008	TSS	001	15 mg/l	25 mg/l*
	TSS		23 mg/l	25 mg/l*

\*These excursions did not appear as violations on the DMRs because the facility reported the permit limits on their DMRs as 30/45 but the limits from the previous permit were 10/15.

\*\*DMRs were missing from January 2007 to August 2007 and January 2009 to June 2009.

XII. ADDITIONAL INFORMATION:

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(C) and (D); 304(b)(2), and 307(a)(2) of the Clean Water Act or more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's, if the effluent standard, limitations, water quality studies or TMDL's so issued or approved:

- a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) Controls any pollutant not limited in the permit; or
- c) Requires reassessment due to change in 303(d) status of waterbody; or
- d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

Final effluent loadings (i.e. lbs/day) have been established based upon the permit limit concentrations and the design capacity of 0.180 MGD.

Effluent loadings are calculated using the following example:

$$\text{BOD: } 8.34 \text{ lb/gal} \times 0.180 \text{ MGD} \times 10 \text{ mg/l} = 15 \text{ lb/day}$$

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** as shown in the permit are standard for facilities of flows between **0.1** and **0.5** MGD.

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Effluent Characteristics

Flow  
 BOD<sub>5</sub>  
 Total Suspended Solids  
 Fecal Coliform Bacteria  
 pH

Monitoring Requirements

<u>Measurement Frequency</u>	<u>Sample Type</u>
Continuous	Recorder
2/month	Grab
2/month	Grab
2/month	Grab
2/month	Grab

Pretreatment Requirements

Due to the absence of pretreatment categorical standards for the indirect discharges listed above or the discharge is of sanitary wastewater only, it is recommended that LDEQ Option 1 Pretreatment Language be included in LPDES Permit LA0038521.

This language is established for municipalities that do not have either an approved or required Pretreatment program. This recommendation is in accordance with 40 CFR Part 403 regulations, the General Pretreatment Regulations for Existing and New Sources of Pollution contained in LAC Title 33, Part IX, Chapter 61 and the Best Professional Judgement (BPJ) of the reviewer.

Pollution Prevention Requirements

The permittee shall institute or continue programs directed towards pollution prevention. The permittee shall institute or continue programs to improve the operating efficiency and extend the useful life of the facility. The permittee will complete an annual Environmental Audit Report **each year** for the life of this permit according to the schedule below. The permittee will accomplish this requirement by completing an Environmental Audit Form which has been attached to the permit. All other requirements of the Municipal Wastewater Pollution Prevention Program are contained in Part II of the permit.

The audit evaluation period is as follows:

Audit Period Begins	Audit Period Ends	Audit Report Completion Date
Effective Date of Permit	12 Months from Audit Period Beginning Date	3 Months from Audit Period Ending Date

**XIII. TENTATIVE DETERMINATION:**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to revoke and reissue a permit for the discharge described in this Statement of Basis.

**XIV. REFERENCES:**

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

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Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Town of Montgomery, Town of Montgomery, August 13, 2009.